

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY BERKOWSKI,

Plaintiff,

v.

Case No. 08-12862  
Honorable Patrick J. Duggan

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**JUDGMENT**

This matter is before the Court on motions for summary judgment from both parties.

For the reasons set forth in an opinion issued this date,

**IT IS ORDERED, ADJUDGED, AND DECREED** the Plaintiff's motion for summary judgment is **GRANTED IN PART**, that the Commissioner's denial of Plaintiff's benefits is **REVERSED**, and that this matter is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for proceedings consistent with Magistrate Judge Majzoub's R&R..

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Date: September 9, 2009

copies to:  
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